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APPLICATION NUMBER FILING DATE FIRST NAMED APPLICANT ATTY. DOCKET NO.

09/814,928 02/27/97 DALVI

V 42290 P4824
EXAMINER

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LM02/0905

CARTLINE PAPER NUMBER
ROBERTSON 24

2759
DATE MAILED:

09/05/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 8/22/00

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 31-37, 12-19 & 26-29 is/are pending in the application.
Of the above, claim(s) 12-19 & 26-29 is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 31-37 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

BEST AVAILABLE COPY

Art Unit: 2759

This Office action is in response to the amendment filed August 22, 2000.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the first and second state machines and their interconnection with the remainder of the elements as claimed in the newly amended claims. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. M.P.E.P. § 608.02(d). Correction is required.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 31-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no showing or description in the specification of the first state machine configured to update at least one of the bits indicating a suspend status of a write operation in response to a suspend signal or a second state machine coupled to said first state machine and configured to control the output of the status signal in response to a status request signal.

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Claims 31-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant is reminded of 37 C.F.R. 1.75 (d)(1) which states that the claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See 1.58(a).) There is no discussion or showing of the first and second state machines in the remainder of the specification, nor is there anything in the remainder of the specification that clearly corresponds to such terminology. Thus, the claims are indefinite.

Applicant's arguments filed August 22, 2000 have been fully considered but they are not persuasive. Applicants argue that the first and second state machines are shown in figure 3 (i.e., elements 203 and 205, respectively) and that pages 9-15 clearly describe the state machines and provide support for the manner in which they are claimed. However, such is not the case. The specification clearly states that the first state machine, "CSM 203 provides a read status register control signal over line 253 to the status register" which is contrary to the claimed function of the first state machine, which is to "update at least one of said bits indicating said suspend status." Further, the specification never specifically attributes the updating function to either of the two state machines. Rather, the specification defines an entity called "the control logic" as being the combination of elements 203 and 205, and that "the control logic proceeds...to update the status register 206 to indicate that the programming operation is suspended." Thus the claimed subject

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matter was not reasonably described in the specification as originally filed and the meaning of the claims is vague and indefinite.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the technology center receptionist whose telephone number is **(703) 305-9600**.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Robertson whose telephone number is (703) 305-3825.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Do Yoo, can be reached at 308-4908. The fax number for this technology center is (703) 305-9564. **The fax number for art unit 2759 is (703) 305-9731.**

Communications which are not application specific may also be posted on e-mail at *David.Robertson@USPTO.gov*.



DAVID L. ROBERTSON
PRIMARY EXAMINER
ART UNIT 2759